

APPROVED: Meeting No. 42-82

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 39-82

October 25, 1982

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, on Monday, October 25, 1982, at 8:00 p.m.

PRESENT

Mayor John R. Freeland

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

Councilman John Tyner, II

ABSENT

Councilman Steve Abrams

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; City Attorney Paul Glasgow.

Mayor Freeland introduced a group of Pinneberg students visiting this area for the next three weeks. The students spent today touring Rockville. The Mayor officially welcomed them to the City on behalf of the citizens. The student group extended thanks to the Council and the citizens for the hospitality shown them today.

Re: City Manager's Report

Mr. Blick reported the following:

1. Gude Drive should be opened to traffic this week.
2. A questionnaire on speed humps is being sent to residents on Lewis Avenue.
3. There will be a special technology transfer meeting in Rockville on November 10 to review projects for the quarterly technology transfer exchange.
4. Last week the front page of the Washington Post featured a story on Rockville.
5. The Montrose Civic Association will hold a meeting tomorrow night at 7:30 at the Montrose Park building to discuss the location of the Tribune-United offices in the Congressional School.

Councilman Tyner said an environmental impact study has been submitted on the I-370 road. There will be a meeting on November 9. He will report back to the Council soon.

Mayor Freeland said Courthouse Square opened on Saturday and it was a most exciting day with a large number of people. It featured a farmers' market, food and crafts. He said the support and enthusiasm shown on Saturday should continue in the Square. The venture to construct the park involved the State of Maryland, Montgomery County Government and the City. He urged the citizens to walk through and enjoy it since it also symbolizes "New Downtown Rockville".

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Jim Gaskill, Croyden Park Neighborhood Planning Advisory Group. Mr. Gaskill said it has come to his attention that the Mayor and Council may wish to turn the ground at the Maryvale area after the school is razed into townhouses. Mr. Gaskill read some portions of the approved Croyden Neighborhood Plan which states the school will be razed and the land added to park land for inventory or regular maintenance. If the land were used for R-60 development, the neighborhood would not have that much of a problem but no tenant development should be put there. Mayor Freeland said he supports the neighborhood's idea. The Mayor and Council have been working with Montgomery County. They had hoped there would be no cost for the land or for razing the building but now the City has found out they will have to retire the debt service, pay to raze the building, reimburse the developer who worked there. The cost will exceed \$100,000. At that price, using it as park ground would be prohibited. The Mayor and Council will not do anything without the neighborhood's understanding or cooperation. Councilman Duncan said the City's main effort right now is to remove the school which is a menace. Affordable housing could be placed on the 2½ acre site and the 1½ acres could be used as a park. The civic association favors the concept. Mr. Gaskill reiterated anything but R-60 housing would violate the plan.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Public Hearing: Proposed
Resolution to Establish a
City Advisory Commission
on Public Education

The Mayor and Council conducted a public hearing on a proposed resolution to establish a City Advisory Commission on Public Education and heard those persons as will be found in the official stenographic transcript. There being no other

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citizen wishing to be heard, the Mayor closed the hearing, with the record to be held opened for two weeks.

Re: Public Hearing: Planned Residential Unit Exploratory Application, PRU-14B-82, Mayor and Council of Rockville, Applicant, requesting an amendment that would place the Dawson farmhouse back into active use as a residence and for business use.

The Mayor and Council conducted a public hearing on Planned Residential Unit Exploratory Application, PRU-14B-82, Mayor and Council of Rockville, Applicant, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing, with the record to be held opened for two weeks.

Re: Award of Contract: Bid No. 19-83, traffic signal - N. Washington St./Dawson Ave.

This project will provide for installation of a traffic signal at the intersection of North Washington Street and Dawson Avenue. The primary purpose of the signal is for protection of a pedestrian crossing at this location. Pushbuttons will be provided at four points. To prevent excessive traffic delay to North Washington Street traffic, the new signal will be interconnected to the existing system extending southward from Beall Avenue.

Two bids were received as follows:

Simpson Electric Company, Annapolis, Maryland	\$26,329.00
Hawkins Electric Company, College Park, Maryland	27,786.00
Engineer's Estimate	25,733.00
Budget Appropriation	50,000.00

Simpson is currently the signal maintenance contractor for the City of Annapolis. Hawkins is Rockville's signal maintenance contractor. Both companies have excellent reputations in the field of traffic signal installation.

The budgeted appropriation for this signal project is \$50,000. The bid does not include approximately \$10,000 already encumbered (to the State Highway Administration) for traffic control equipment. This appropriation is also being used for staff design and inspection, incidental signs and markings, and interim crossing guard protection provided by the Montgomery County Police.

Following Mayor and Council approval on October 25, the signal should be in operation by December 24. This assumes timely delivery of all equipment and availability of necessary easements for locating traffic signal equipment.

The staff recommends awarding Bid No. 19-83 to Simpson Electric Company for its low bid of \$26,329.00.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, Bid No. 19-83 for a traffic signal, was awarded to Simpson Electric in the amount of \$26,329 and the Council noted that the signal will be in operation by Christmas.

Re: Award of Contract: Bid
No. 20-82, radio maintenance

Bids were opened on October 14 for Contract Maintenance of Radio System. There were 24 proposals sent to prospective bidders and these three responses were received:

Bidder	Cost/Mo.	Annual Cost
1. Teltronic Industrial Systems, Inc. Silver Spring, Maryland 20910	\$1,226.15	\$14,713.80
2. Motorola, Inc. Hanover, Maryland 21076	1,230.25	14,763.00
3. Communications, Inc. Arlington, Virginia 22206	3,263.00	39,156.00

The amount budgeted for the contract year of November 1982 through October 1983 is \$19,000. This service is requested to provide radio maintenance service that will include all of the radio equipment in the City of Rockville communications network. This included 186 communicating units and 25 battery chargers for hand held units.

This bid of \$1,226.15/month is 1½ percent less than the current contract of \$1,245/month. (The current contractor, J.T. Tronics, failed to bid because he made a mistake on bid opening date.)

The bid proposal provided for a twelve month extension at a quoted rate (\$1,352.16/month) at the City's option rate of \$1,352.16 month (\$16,225.92 per year) is a 10.3 percent increase over the proposed bid of \$1,226.15 month. It is staff's belief that this is excessive.

Staff recommends that the Mayor and Council award the contract to Teltronic Industrial Systems, Silver Spring, for the low bid of \$1,226.15 per month or \$14,713.80 annually and that the optional twelve months' service at \$1,352.16 per month or \$16,225.92 annually not be accepted.

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, Bid No. 20-82, contract maintenance of radio system was awarded to the low bidder, Teltronic Industrial Systems, Inc., at an annual cost of \$14,713.80 and the optional twelve month service was rejected.

Re: Approval of Contract
to purchase Manhattan Auto
site to widen North
Washington Street

This is an Offer of Agreement for the purchase of right-of-way at the Manhattan Auto site needed for the planned reconstruction of North Washington Street. The Manhattan Auto site is owned by Frank E. Williams, Jr., et al, and an entity known as the Rockmont Motor Company. The property is leased to a concern known as Manhattan Auto, Inc., which operates a foreign car dealership.

The Offer of Agreement has been reviewed by the Office of the City Attorney as to form and legality. Special features of the agreement include the following:

1. Total purchase price of \$244,000 being paid to Frank E. Williams, Jr. et al, and Rockmont Motor Company for the taking, damages, and use of temporary construction and slope easements.
2. Total payment of \$40,000 being paid to Manhattan Auto, Inc., in lieu of a relocation payment since that firm is effectively being displaced by a municipal action.
3. The City shall demolish the existing building presently located on the subject property which will be accomplished after the first of the year as part of the North Washington Street road construction contract.
4. Manhattan Auto, Inc., may retain the use and possession of the building on the subject property until December 31, 1982. Manhattan Auto, Inc., will not renew its lease to the subject property which is due to expire December 31, 1982.

The right-of-way being purchased is a strip of land along the Middle Lane and North Washington Street frontages of the Manhattan Auto site totaling 7,971 square feet.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, the contract for the purchase of the Manhattan Auto site right-of-way was approved by the Mayor and Council.

Mayor Freeland complimented all involved since the final product seems to be a very equitable arrangement.

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Re: Review of Maryland
Municipal League Policy
Statement

This is the policy statement of the Maryland Municipal League and will be approved at the Maryland Municipal League's Legislative Conference to be held later this week in Baltimore, Maryland.

An item of importance is the classification of municipalities. The statement says "We support efforts to devise a reasonable and rational system of classification of the municipalities which recognizes the extent of services, the physical needs, the demographic characteristics and other qualities of individual municipalities or classes thereof."

The Mayor and Council approved the policy statement in total, provided that the statement of classification, or a substitute with essentially the same content, is included.

Re: Submission of Draft
Housing Policy

The Mayor and Council received the City's draft Housing Policy from the staff. Councilman Tyner suggested that a work session be held prior to the public hearing. Mayor Freeland agreed that that would be the best arrangement to formulate a reasonable policy and the date will be set as soon as possible.

Re: Introduction of Ordinance:
Beall Avenue

On motion of Councilman Duncan there was introduced upon the table an ordinance levying assessment for Beall Avenue sidewalks, said ordinance to lay over one week before final action is taken. Councilman Tyner asked for a statement on the cost of processing the papers, etc., rather than the City simply paying it.

Re: Introduction of Ordinance:
To Correct Levy Assessment
in Rockville Estates

On motion of Councilman Duncan there was introduced upon the table an ordinance to correct levy assessment in Rockville Estates, said ordinance to lay over one week before final action is taken.

Re: Adoption of Ordinance:
To Grant Street Closing
Application, SCA-41-82,
service drive, Rockville
Pike

Ordinance No. 29-82

On motion of Councilman Duncan, duly seconded and passed by unanimous vote

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of all present, Ordinance No. 29-82, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council, granting street closing of the service drive on Rockville Pike, was adopted by the Mayor and Council.

Re: Adoption of Ordinance:
To Levy Assessments in
Fallsbend, Hungerford,
and Montrose Subdivisions

Ordinance No. 30-82

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, Ordinance No. 30-82, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council, to levy assessments in Fallsbend, Hungerford, and Montrose Subdivisions, was adopted by the Mayor and Council.

Re: Adoption of Ordinance:
To Levy Assessments -
Driveway Aprons at
Various Locations -
Project 010612

Ordinance No. 31-82

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, Ordinance No. 31-82, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council, to levy assessments on driveway aprons at various locations, Project 010612, was adopted by the Mayor and Council.

Re: Adoption of Ordinance:
To Levy Assessments -
Concrete Sidewalks and
Driveway Aprons on Cabin
John Parkway, Project
080228

Ordinance No. 32-82

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, Ordinance No. 32-82, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council, to levy assessments on concrete sidewalks and driveway aprons on Cabin John Parkway, Project 080228, was adopted by the Mayor and Council.

Re: Determination of Policy
Position on State
Retirement System
Liability Problem

A letter has been received from the Mayor of Hagerstown regarding the funding problem of the Maryland State Retirement System. Prior to 1980, the

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Maryland State Retirement Systems were significantly underfunded. Part of the benefits were funded on an actuarial basis and part were funded on a pay-as-you-go basis. Legislation passed in 1979 provided that after January 1, 1980, the systems would be fully funded on an actuarial basis. To simplify, this resulted in a billing to local governments of \$12,960,000 for an accrued liability to make up for prior underfunding. It also resulted in an increase in future annual costs.

This resulted in huge liabilities for certain local governments. Hagerstown's unfunded accrued liability was \$7,299,740, to be paid off at \$548,000 per year for 40 years. This is in addition to their normal annual pension costs. This will be a significant burden on Hagerstown's taxpayers.

The Local Government Case

Hagerstown is trying to make a case that since, in the early 1970's, the State withdrew \$36,000,000 in "excess earnings" from the retirement systems, the State should provide some relief to local governments, at least to the extent of the impact of the \$36,000,000 withdrawal. If the facts are correct, this is a reasonable position to take. Under Federal law a private employer would not be allowed to withdraw funds from a pension plan to spend for another purpose. In any case it would represent an unsound financial practice.

Mr. Blick outlined the problem to those listening. Mr. Lawton, the Director of Finance, said he had spoken to a person from Friend Company and they will devote some time, at no cost to the Maryland Municipal League, in order to establish a supportable position. There will be some staff time involved by member municipalities, but it is Mr. Lawton's contention that this needs coordinated effort before approaching the legislature. The Mayor suggested that all action be deferred until after the Legislative Conference; in the meantime, Mr. Lawton pursue the assistance of an independent actuary.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Senator Mathias, re Revenue Sharing
Senator Sarbanes, re Revenue Sharing
2. Patricia King, re Project Go
3. H.L. Cupl, re RHA Report
4. Notice of I-370 Construction

5. County Executive Gilchrist, re Cable TV

Councilman Tyner asked if there was a municipal representative on the taskforce. Mr. Hobbs said that Mr. Zuckman who formally worked with the County on the selection process would be an excellent addition. Councilman Tyner said that that portion of the agreement was not known to the best of his knowledge. The City Manager said he would send the information back to the Council.

6. M. & S. Weiss, re TSM Study

7. Murray Warner, Resignation from ACSC

Councilwoman Hovsepian suggested that Mr. Warner come to the Council meeting to receive his certificate.

Re: Information Items

1. Invitation to Anniversary Party at Senior Center

2. Copy of letter to Planning Director from New Mark Citizens Association

Councilwoman Hovsepian asked what logical advantage there was in excluding a citizen from the deliberations. Mr. Davis said there was no attempt to exclude anyone. There was a long laspe between meetings. Staff was waiting for something to occur to bring the group together again. They can be involved in the design if they wish. There was never any attempt to exclude anyone. Mayor Freeland asked Mr. Davis to request the citizens associations to nominate someone from each association to attend future meetings.

3. Memo from CDHA re Proposed Reuse of Hungerford Park School

4. Copy of letter to Department of Environmental Protection re Wintergreen Plaza

5. Memo from CDHA re Tennis Barn

6. Copy of letter to WMATA from Peerless Rockville re B & O Station

7. Status report on CTIP Program

Councilman Tyner asked if there could be more information on this.

8. Copy of letter from William Wildhack, Chevy Chase re Police Cooperation

Councilman Duncan noted this is the first step.

9. Letter complimenting City Employees

10. Wintergreen Landscaping

Councilman Duncan asked that copies of this report be sent to the neighbors, Stahler & Seckler.

Re: Approval of Minutes

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, the Minutes of Meeting No. 38-82 were approved as written.

Re: New Business

1. Councilman Duncan asked that the Staff investigate the illegal political signs on Falls Road and Ritchie Parkway.

2. Councilwoman Hovsepian drew the Council's attention to an item in the Maryland Municipal League Bulletin concerning the Municipal Charter Project and asked if Rockville were involved. She also asked what the status is of the changes to the financial portion of the charter. The City Attorney explained what is involved in the Charter Project. He added that his staff is currently working with the Director of Finance to prepare the amendments that will implement a new purchasing process for the City. They are also working to amend the Special Assessments sections of the Charter.

3. The City Manager said he has before the Council some information on the Maryvale School Project. He suggested that the items be discussed in an Executive Session. Mayor Freeland asked that the Staff work on this; he would like to see it on the agenda next week for a yes or no decision. If it is necessary, the Staff can call a special meeting of the Council to go over the details, but he would like to see all the loose ends worked out first.

Re: Adjournment

There being no further business to come before the Council in general session, the meeting was adjourned at 12:15 a.m. to convene again in general session on Monday, November 1, 1982, at 8:00 p.m. or at the call of the Mayor.